

**CHIROPRACTIC EXAMINING BOARD  
MADISON, WI  
MINUTES  
JULY 17, 2003**

**PRESENT:** Steven Conway, Susan Feith, Char Glocke, Brouck Sleight,  
James Rosemeyer, James Weber

**STAFF PRESENT:** Kimberly Nania, Ph.D, Bureau Director; Legal Counsel, John  
Schweitzer and Jacquelynn Rothstein; Gina York; and Division of  
Enforcement and other staff

**GUESTS:** Mark Grapentine, WI Medical Society; Ron Hermes, WPTA;  
Rachel Schraufnagel, WCA; and Jim Greenwald

**CALL TO ORDER**

James Rosemeyer, Chair, called the meeting to order at 8:04 a.m. A quorum of 6 members was present.

**AGENDA**

**Additions to the Agenda:**

- WCA Sponsored Ethics and Boundary CE Course – Dr. Jim Greenwald
- Discussion of DOE Policy for Individuals Who Know that Laws are Broken and Don't Turn the Perpetrator into the Board
- Discussion of CCE
- Correspondence to the Board from John B. Wolfe, Jr; Ann M. Bell, D.C.; Caledonia Chiropractic Clinic; Donald W. Reese, D.C.; In Kentucky - Allstate Insurance Company and Liberty Mutual Group Files Fraud Lawsuit.

**MOTION:** James Weber moved, seconded by Char Glocke, to approve the agenda as amended. Motion carried unanimously.

**APPROVAL OF MINUTES OF JUNE 19, 2003**

**Amendments to the Minutes:**

- Page 4: Under Correspondence Regarding PACE / WCA - Last sentence at end of the second paragraph, Move to end of first paragraph.
- Page 5: Under Correspondence Question Regarding Chiropractor Taking X-Rays – The following sentences need to be added after the last sentence – “Specifically, the Board clarified its requirement for 4 CE hours of radiology as intended to improve chiropractor’s skills in taking and interpreting films. Consequently, a course in MRI technique would not satisfy the requirement.”

**MOTION:** Brouck Sleight moved, seconded by Steven Conway, to approve the minutes of June 19, 2003, as amended. Motion carried unanimously.

## **ADMINISTRATIVE REPORT**

Kimberly Nania, Bureau Director, provided an update to the Board regarding the budget and its effect on the Department. Further reductions may be needed. Two areas identified by the Department as large expenditures was in printing and postage and is currently being looked at. Secretary Strong Hill met with Board Chairs asking for their input on ways to reduce costs without sacrificing protection of the public.

Dr. Nania reviewed with the Board travel information provided in a memo by the Department of Administration to all agencies. She also reviewed the Department's hotel policy for no shows it is as follows:

### **DEPARTMENT POLICY**

1. If the Board Member is not going to use the reserved hotel room, it is the ***responsibility of the Board Member*** to cancel the room by calling the hotel themselves. If the room is not cancelled, the Board Member would be responsible to pay the bill.
2. If we cancel a meeting because of lack of quorum or no business, it should be the Department's responsibility to cancel any room reservations.

Mary Schlaefter, Deputy Secretary, and Sandra Rowe, Division of Enforcement Administrator, reviewed with the Board the process of the fee study by Grant Thornton for the Department. They addressed questions by the Board regarding differences in the amount of fee increases among professions. Many factors were considered when looking at licensing fees. For example, if a profession has more extensive credentialing procedures or if there have greater enforcement needs and cases are more complex in nature this could affect the amount of the increase. As shared at the last meeting the Joint Finance Committee defeated the proposal and therefore, there will not be an increase in licensing fees for any profession.

## **WCA SPONSORED ETHICS AND BOUNDARY CE COURSE DR. JAMES GREENWALD**

Dr. Greenwald shared some historical background regarding this topic. Dr. Greenwald provided information to the Board regarding an Ethics and Boundary CE Course being offered by WCA with Russ Leonard listed as one of the instructors. Several questions arose as to all instructors' qualifications and their experience to teach the topics identified. Legal Counsel will write a letter to these instructors asking them what in particular qualifies them to teach their course subject matter.

The Board discussed having stricter criteria for approving courses and their instructors. The Board wants to ensure instructors have the knowledge base to teach a subject matter and that the course meets the education requirements. The Board will be looking at developing a format for gathering needed information to make such determinations.

### **PRESENTATION OF PROPOSED STIPULATIONS THAT MAY BE SIGNED AFTER MAILING OF AGENDA**

There were no proposed stipulations to be presented before the Board at this time.

### **REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES AND PRESS RELEASES**

John Schweitzer reviewed the report on pending court cases with the Board.

### **STATUS AND UPDATE OF WCA PROPOSED LEGISLATION**

John Schweitzer, Legal Counsel will check on the status of this legislation with Christopher Klein, Executive Assistant to the Secretary.

### **CHIROPRACTIC DEFINITION REPORT: DR. ROSEMEYER AND DR. CONWAY**

There was nothing to report at this time. This matter will be addressed at a future meeting once the rule revisions have been completed.

### **EXAM CANDIDATES**

Brouck Sleight chaired the meeting at 8:54 a.m. while James Rosemeyer left the meeting briefly to talk with the exam candidates.

### **PRECEPTOR APPROVAL**

There were eight preceptors before the board for approval. They were William Haanen, David Bentz, Rosann Froehle, Timothy O'Connor, Shayne Bauer, Daniel Hyatt, Dennis King, and Robert Sell.

**MOTION:** Steven Conway moved, seconded by James Weber, to approve all preceptors presented before the Board on 7/17/03. Motion carried unanimously.

## **PRECEPTOR APPROVAL FOR REQUESTS RECEIVED AFTER THE PRINTING OF THE AGENDA**

NONE.

## **DISCUSSION OF NAET AND POSSIBLE NEED FOR RULEMAKING**

The Board will not make any rule changes regarding NAET at this time.

## **DISCUSSION REGARDING TITLE PROTECTION FOR “CHIROPRACTIC” AND “ADJUSTMENT”**

The Board discussed at length title protection for the use of the terms “chiropractic” and “adjustment”. The Board will pursue drafting this language and Dr. James Weber will contact WCA regarding this action.

**MOTION:** Steven Conway moved, seconded by Susan Feith, to request that legislation be drafted to protect the terms “Chiropractic” and “Adjustment” for use only by licensed Chiropractors. Motion carried unanimously.

## **DISCUSSION REGARDING NEED FOR DEVELOPING STANDARDS FOR APPROVAL OF TRAINING PROGRAMS RELATING TO DELEGATION OF UNLICENSED PERSONS**

The Board discussed and Dr. Weber will prepare a point list of items and share them at the next Board meeting.

## **DISCUSSION REGARDING PACE (PROVIDERS OF APPROVED CONTINUING EDUCATION) JAMES ROSEMEYER**

At the last meeting the Board discussed the WCA’s concerns about having Providers of Approved Continuing Education (PACE) oversee the direction of continuing education of chiropractors in Wisconsin.

Dr. James Rosemeyer reported on this topic and is in the process of gathering additional information from other state boards and chiropractic colleges and will report to the Board at the next meeting.

## **SEPARATION OF CHIROPRACTIC AND ACUPUNCTURE SERVICES**

Noted. No action was taken by the Board at this time.

### **DISCUSSION AND INFORMATION REGARDING COLD LASERS EDUCATION – STEVEN CONWAY**

Steven Conway is exploring what schools are doing regarding laser techniques and will report to the Board on his findings. The Board is examining how this technique fits into the statutes and rules relative to the scope of practice of chiropractic and to ensure the safety of the public. The Board postponed this topic for further discussion until the next meeting.

### **DISCUSSION OF CE CREDIT APPROVAL**

Noted.

### **DISCUSSION OF RULES BY DR. CONWAY AND LEGAL COUNSEL (ONGOING)**

Legal Counsel, John Schweitzer, prepared draft rule revisions incorporating amendments from the Board's last meeting to clean up its rules.

It was noted that the Board passed emergency rules regarding the exam on June 28, 2003.

### **DRAFT RULE REVISIONS**

Draft rule revisions were presented to the Board. An in-depth review was completed with the Board by Dr. Conway and Attorney Rothstein, who will share all additional changes indicated at today's meeting with Attorney Schweitzer. Revisions will be made and then prepared for submission to the Clearinghouse.

**MOTION:** Steven Conway moved, seconded by James Weber, to request John Schweitzer, Legal Counsel to make the indicated revisions from 7/17/03 and then forward these rules to the Clearinghouse. Motion carried unanimously.

### **DISCUSSION OF CCE**

The Board requested that anywhere in the draft language where CCE is indicated include the following: "or fully accredited agency approved by the US Office of Education or their successors."

## **REGULATORY DIGEST**

Kimberly Nania, Bureau Director, informed the Board of more budget constraints. The Department is looking at means to cut costs. Since printing and postage were identified as the largest expenditures, changes in these areas would effect the processing of the Regulatory Digest. The Department may decide only to have Regulatory Digests posted on-line through the Department's website. Currently, all Regulatory Digests are on hold. Dr. Nania will keep the Board posted on any progress in this area.

## **CORRESPONDENCE AND PHONE INQUIRIES BY LEGAL COUNSEL**

The Board reviewed correspondence submitted by John Schweitzer, Legal Counsel.

### **CORRESPONDENCE FROM JOHN B. WOLFE, JR. OF WOLFE & ASSOCIATES REGARDING RICHARD GOLDE, D.C.**

Legal Counsel, John Schweitzer, handed out a letter written by John B. Wolfe, Jr. from Wolfe & Associates requesting the Board to allow a payment plan for Richard Golde, D.C. to repay costs assessed in his case.

**MOTION:** Brouck Sleight moved, seconded by Steven Conway, to deny Richard Golde, D.C. a payment plan schedule regarding his case costs. Motion carried unanimously.

The Board authorized Legal Counsel to respond indicating the Board's decision regarding this request.

### **CORRESPONDENCE FROM ANN M. BELL, D.C. REQUESTING A DEMONSTRATION OF THE PAP-IMI DEVICE BEFORE THE CHIROPRACTIC BOARD**

The Board reviewed correspondence it received from Ann M. Bell, D.C. requesting an opportunity to demonstrate the PAP-IMI device and to address concerns or questions the Board may have about this device and its application. The Board authorized John Schweitzer, Legal Counsel, to respond to this correspondence granting her request to appear before the Board to demonstrate this technique at the September 18, 2003 meeting.

**CORRESPONDENCE FROM DONALD W. REESE, D.C. REQUESTING  
A WAIVER FROM THE REQUIREMENT REGARDING  
CHIROPRACTOR'S TAKING X-RAY COURSE**

The Board reviewed correspondence received from Donald W. Reese, D.C. requesting a waiver from the requirement for chiropractors to take a four CE hours course in radiology, in order to maintain licensure. The Board authorized John Schweitzer, Legal Counsel, to respond to this correspondence notifying him of the Boards decision to deny his request for a waiver and that he will need to take the required course.

**CORRESPONDENCE CALEDONIA CHIROPRACTIC CLINIC  
FROM TIMOTHY P. SCHNEIDER, D.C. REQUESTING  
AN EXEMPTION FROM THE REQUIREMENT FOR  
THE NEW X-RAY COURSE**

The Board reviewed correspondence received from Timothy P. Schneider, D.C. requesting an exemption from the requirement for the new x-ray four CE hours course for this licensing period. The Board authorized John Schweitzer, Legal Counsel, to respond to this correspondence notifying him of the Boards decision to deny his request for an exemption and that he will need to take the required course.

**CORRESPONDENCE – EMAIL REGARDING KENTUCKY  
ALLSTATE INSURANCE COMPANY AND LIBERTY MUTUAL GROUP  
FILES FRAUD LAWSUIT**

Informational. Brouck Sleight provided a copy of an email he received regarding Allstate Insurance Company and Liberty Mutual Group announcing that on June 26, 2003, they jointly filed a federal RICO lawsuit against a doctor and owners of several medical clinics and billing companies in Kentucky regarding diagnostic testing.

**CLOSED SESSION**

**MOTION:** Steven Conway moved, seconded by Brouck Sleight, to adjourn to closed session pursuant to Wisconsin state statutes 19.85(1)(a)(b)(f) and (g) to consult with Legal Counsel regarding the Suit by WCA, deliberate on proposed stipulations, deliberate on proposed administrative warnings, deliberate on monitoring issues, application review, monitoring report and DOE case status reports. Motion carried by roll call vote: Steven Conway-yes; Susan Feith-yes; Char Glocke-yes; Brouck Sleight-yes; James Rosemeyer-yes; James Weber-yes.

Open Session recessed at 11:28 a.m.

## **RECONVENE INTO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION**

**MOTION:** Brouck Sleight moved, seconded by James Weber, to reconvene into Open Session at 11:44 a.m. Motion carried unanimously.

## **VOTE ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION**

## **CONSULTING WITH LEGAL COUNSEL REGARDING THE SUIT BY WCA AGAINST THE EXAMINING BOARD**

The Board discussed any updates regarding the suit by the WCA against the Chiropractic Examining Board.

## **DELIBERATION OF PROPOSED STIPULATIONS THAT MAY BE SIGNED AFTER MAILING OF AGENDA**

There were not stipulations before the Board at this time.

## **DIVISION OF ENFORCEMENT – CASE STATUS REPORT**

**MOTION:** Brouck Sleight moved, seconded by Steven Conway, to close **03 CHI 035** for compliance gained. Motion carried unanimously.

**MOTION:** James Weber moved, seconded by Steven Conway, to close **03 CHI 010** for insufficient evidence. Motion carried unanimously.

## **CONSULT WITH LEGAL COUNSEL**

Noted.

## **INFORMATIONAL ITEMS**



## **AUGUST 2003 MEETING**

The Board requested the August 21, 2003 meeting be cancelled due to lack of quorum. Roxanne Peterson, who handles this, will be notified to ensure the cancellation notice will be sent out to the Department staff, and to ensure lunches, hotel accommodations, and conference rooms are cancelled associated with this meeting.

## **NBCE CORRESPONDENCE**

The Board noted the correspondence regarding the NBCE Monthly Report for June 2003.

## **DISCUSSION OF DOE POLICY FOR INDIVIDUALS WHO KNOW THAT LAWS ARE BROKEN AND DON'T TURN THE PERPETRATOR INTO THE BOARD**

The Board discussed with Attorney Michael Berndt from DOE regarding what the policy is for this type of situation. Currently, there is no specific policy at this time.

The Board discussed a particular incident in which Russ Leonard, Executive Director of WCA stated that he knew of an alleged violation in which a doctor was having a CA performing x-rays and adjustments to patients.

**MOTION:** Steven Conway moved, seconded by Char Glocke, to request Legal Counsel to send letter to Mr. Russ Leonard asking him to provide the name of the doctor and the CA to the Board whom he indicated as having the CA allegedly performing x-rays and adjustments to patients. Motion carried unanimously.

## **ADJOURNMENT**

**MOTION:** James Weber moved, seconded by Steven Conway, to adjourn the meeting at 11:48 p.m. Motion carried unanimously.

**Next Meeting:**  
*Thursday,  
September 18, 2003  
8:00 a.m.*